

fear the cold dissecting methods of science need have no feeling of discomfort. Blake's cry:

"Wilt thou stretch out the fibres of my soul
like stalks of flax to dry in the sun?"

can be answered with equal eloquence:

"Canst thou bind the cluster of the Pleiades
Or loose the bands of Orion?"

There is little in the scientific canon that can illuminate the essential nature of genius.

There have been many studies of the hereditary features of genius, the most notable of which have been those of Galton, Havelock Ellis and Cattell. We may indicate in summary form certain conclusions and observations from these studies which seem less than trivial, and in some instances are challenging.

There appears to be a cyclic or periodic nature in the appearance of genius, an outburst of genius in one period being followed by a decline in the next.

The higher grades of genius act in inheritance as though they were due to the *absence of something* present in persons of poorer ability. The individual of genius has got rid of one or more inhibitors (Davenport).

Elements of great genius and mental defects are inherited in the same way. Quoting Havelock Ellis: "We may regard genius as a highly sensitive and a completely developed adjustment of the nervous system along special lines, with concomitant tendency to defect along other lines. It is no exaggeration to say that the real affinity of genius is with congenital imbecility rather than with insanity."

Genius comes from family stocks with ability. Charles Cattell's study of a thousand of the world's greatest geniuses shows that less than one hundred came from origins with less than normal ability.

Geniuses have arisen mainly in the upper classes, the clergy and the well-to-do commercial class. Few if any have come from the proletariat.

The parents of genius have as a rule shown great reproductive activity. In the study of British genius the average family containing a genius was 6.5 children. (Families showing mental difficulties or idiocy numbered 7 children.)

A cross breeding of temperament in the parents is more apt to produce in the child inner tensions and emotional strains predisposing to genius.

Maternal inheritance is more important than paternal.

The youngest or the oldest child is most likely to have genius.

The parental ages in the case of a genius—the father over forty years or elderly, the mother young.

Precocity in youth is not an outstanding feature. Among British geniuses 292 of 1,030 were child prodigies.

There is a remarkable tendency on the part of genius to be either taller or shorter than the average.

Physical ill health or hypochondria are fairly common among geniuses. In the British group twenty per cent were thus afflicted.

Geniuses owe a remarkably small proportion of their learning to the established machinery of education.

Genius tends to suffer from minor nervous disorders, particularly involving motor co-ordination. This accounts for the aversion to sport so frequently seen among men of genius. Stammering is common and the bad handwriting of genius is notorious. Macaulay could not use a razor or tie his cravat. Priestley could not handle tools. Shelley though lithe and active was always tumbling over himself.

Celibacy and sterility are more common among geniuses than in the average population.

Geniuses have been lovers of solitude probably instinctively because they realize that excellence is to be attained only "by an inveterate resolution against the stream of mankind".

The genius tends to suffer from melancholy, partly for constitutional reasons and partly due to the hostility of society. Ellis for example found that 16% of eminent British geniuses had been imprisoned.

A review of the characteristics noted in the foregoing clearly indicates that from the standpoint of genetics genius heads the list of unpredictable. "Picking a winner in the cradle or by looking over the parents is the world's worst gamble." We can predict albinism, colour blindness and certain other abnormalities but not genius. Thus it becomes apparent that from the biological point of view we know virtually nothing of the variation we term genius. There is no certain answer as to its origin. Like the wind, it bloweth where it listeth. Its emergence is uncertain, its manifestations varied and its qualities elusive. The force implied in genius is incalculable and uncontrollable.

(To be continued)

MEDICO-LEGAL

UNSKILFUL SURGERY*

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The defendant doctor, in the course of his duties as the family doctor, circumcised the infant plaintiff in the early part of August, 1947. There is conflicting evidence as to what actually happened in the operating room at the time of the circumcision. It is not clear whether, the usual cautery being out of order, the doctor was given and started to use the diathermy cautery before he was aware that he was not using the instrument to which he was accustomed, or whether he was informed that the usual cautery was out of order and agreed to use the other on the assurance of the operating room nurse that other doctors used it for the same purpose. He did use the diathermy cautery however to such effect that not only was the prepuce destroyed but much also, if not most, of the glans penis.

This doubt as to the discussion preceding or accompanying the use of the diathermy cautery might have had an important bearing on the final disposition of the case had not the doctor, shortly after the accident, given a statement to the adjuster for the hospital insurers in which he absolved the hospital and its nurses from all

* E. N. Gray and E. N. Gray vs. G. M. LaFleche, Mennonite Hospital Society Concordia and Freda Unruh, Court of King's Bench, Manitoba.

responsibility. He adhered to this opinion during his trial so that the Honourable Judge Williams, Chief Justice of the King's Bench of Manitoba, in his decision said: "Indeed, on cross examination, the doctor, in effect, withdrew any charges his pleadings made and stated he never intended to blame either of them."

The problem remaining then was stated in the judgment to have been: "The doctor performed the operation so unskillfully that the infant plaintiff sustained severe injuries and this action was brought to recover damages."

As the basis for his judgment the Judge considered various points which influenced his decision. It was accepted that "The injury sustained was to the glans penis. . . . There was no injury to the shaft or any portion of the penis other than the glans, nor have the seminal vesicles been damaged in any way."

Some short time later, "The child's penis was swollen and purplish and almost at once the baby began to have trouble voiding, straining its body, and screaming with pain."

By the beginning of September it had been necessary to have another doctor see the infant and "He found the end of the penis largely covered with granulated tissue or proud flesh which later became scar tissue."

The amount of damage to the glans was difficult to decide, opinions and descriptions of witnesses differed. Contributing to the difficulty was the uncertainty of the defendant doctor. The Judge stated:

"The doctor's evidence was such a mass of vagueness, contradiction, and even quibbling, and his memory was so bad, that I am satisfied he was in a state of complete mental confusion; that at the time of the operation he was not sure what he was doing and did not, and does not, remember everything he had done."

Summing up, the Judge held that

"I am convinced, and hold, that the infant plaintiff's glans penis is, to all intents and purposes, gone, and even if tiny bits of the edge of it remain the infant plaintiff will have to go through life with a deformed glans penis and, therefore, a deformed penis."

The effect of this deformity on the infant as he grew to maturity was considered. It was decided he would be able to have an erection (though perhaps the scar tissue would prevent it being wholly normal), that he would "possibly be able to perform the sexual act and, again depending on development, reproduce", but that "one would expect his attempts at intercourse to be not on the normal scale. . . ."

No conclusion could be reached about the effect of the injury on the mind of the plaintiff as he attained maturity.

Before deciding the question of damages consideration was given various influencing factors. Not only those mentioned, the amount of damage and its possible effects, but the pain and suffering involved at the time of the injury and in the future, the probability of further necessary surgery from time to time, and the fact that the

infant plaintiff must go through life "deformed in one of his members".

Part of a previous judgment was quoted [McGarry v. Canada West Coal Co. (1909) 11 W.L.R. 597 at 599 and 602, 2 Alta. L.R. 299, Stuart, J.]

"A man is entitled to his limbs as nature gave them to him and with their natural strength, no matter whether their weakening by injury would affect his income or not, and for any weakening by injury due to negligence of another he is, in my view, entitled to some compensation. . . ."

Excluding from his considerations those things which "would carry us into the realm of Neuro-Psychiatry", remembering "the many contingencies that may arise in the future", the Judge felt the amount of damages should be influenced by the fact that the success and full enjoyment of a possible marriage might be prejudiced by the injury.

"I hold the opinion that one of the principal ends of the institution of marriage is the solace and satisfaction of man and woman and that physical injuries which may interfere with the conjunction of bodies may be taken into consideration in assessing damages."

Also the chances of marriage might be lessened.

It was decided the damages should not be punitive. A rule previously stated was cited [Jackson v. C.P.R. (1915) 8 W.W.R. 1043, 9 Alta. L.R. 137 at p. 1050, Beck, J.]

"In the case of personal injuries occasioned by negligence exemplary, vindictive, retributory, or punitive damages cannot be recovered unless there was such want of care as to raise a presumption that the defendant was conscious of the probable consequences of his carelessness and was indifferent, or worse, to the danger of the injury to other persons."

and the Judge went on

"While, in performing the operation in question, the defendant doctor showed an extreme lack of skill, he was not indifferent, or worse, to the danger of the injury to the infant plaintiff though he was rather casual afterward. I gathered that he was distressed at the result."

The damages to the infant plaintiff then were set at \$10,000.00.

"The results to date indicate that no test of definite value has been found for advanced cancer, and the study of the chemical and physical conditions in advanced cancer indicate that no universal reaction of the serum should be regarded as a possibility."—[Jas. Ewing, 1931.]

"With our present lack of more precise knowledge, it appears impossible today to foresee a general test for cancer. . . ."—[F. Homburger, 1950] From *Harper Hospital Bulletin*, 8: 61, 1950.